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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Guenther Adolf ) Art Unit: 1642  
U.S. Appln. No. : 10/645,215 ) Examiner: Huff, Sheela Jitendra  
Confirmation No. : 8054  
U.S. Filing Date : August 21, 2003  
Title of Invention : Compositions and methods for treating cancer using cytotoxic CD44 antibody immunoconjugates and chemotherapeutic agents  
Attny. Docket No.: 1/1383

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

September 15, 2004

**TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT**

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A/B) under 37 C.F.R. §§1.56 and 1.97, as more specifically described hereinbelow.

1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

- A statement as specified in 37 C.F.R. §1.97(e) [see below]; or
- The fee set forth in 37 C.F.R. §1.17(p).

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- The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.
- 1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).
- 1.97(e).
- Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or
- No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.
- The fee set forth in 37 C.F.R. §1.17(p).
- The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.
- 1.704(d). Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

TriPLICATE COPIES OF THIS FORM ARE ENCLOSED.

Respectfully submitted,

*Susan K. Pocchiari*

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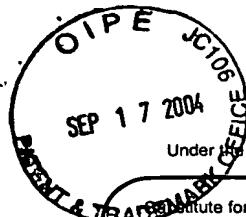
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*Susan K. Pocchiari*

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

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Complete if Known	
Application Number	10/645,215
Filing Date	August 21, 2003
First Named Inventor	Guenther Adolf
Art Unit	1642
Examiner Name	Huff, Sheela Jitendra
Attorney Docket Number	1/1383

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		ROBERT J. KREITMAN; Targeted Therapies - First International Congress; Vol. 5 No. 10 Pages 949-954 October 2002; Pharma Press Ltd ISSN 1369-7056	
		RANDOLPH D. CHRISTEN ET AL; In Vitro Modulation of Cisplatin Accumulation in Human Ovarian Carcinoma Cells by Pharmacologic Alteration of Microtubules; J. of Clinical Investigation Vol. 92 No. 1 pages 431-440 July 1993; The American Society for Clinical Investigation, Inc.	
		IRA S. JAFFREY; Response to Maytansine in a Patient with Malignant Thymoma; Cancer Treatment Reports Vol. 64 No. 1 pages 193-194 January 1980; Palisades Oncology Associates, Pomona, N.Y.	
		GEDSKE DAUGAARD; The Effect of Chemotherapy in the treatment of Malignant Thymoma; Thymic Tumors 1987 pages 112-119 (Karger, Basel 1989) 7th Cancer Research Workshop, Genoble ISSN 3-8055-4800-1	
		BENJAMIN DREWINKO ET AL; Differential Killing Efficacy of Twenty Antitumor Drugs on Proliferating and Nonproliferating Human Tumor Cells; Cancer Research Vol. 41 No. 6 pages 2328-2333 June 1981; ISSN 0008-5472	
		K. WATANABE ET AL; Possible Role of Calmodulin Sensitivity of Anti Neoplastic Agents; Federation Proceedings Vol. 42 No. 3 page 361 (1983); 67 Annual Meetings of the Federation of American Societies for Experimental Biology, Chicago, IL	
		SARAJANE ROSS ET AL; Prostate Stem Cell Antigen as Therapy Target: Tissue Expression and in Vivo Efficacy of an Immunoconjugate; Cancer Research Vol. 62 No. 9 pages 2546-2553 May 1, 2002; ISSN 0008-5472	
		MARC M. MAREEL ET AL; Effects of Microtubule Inhibitors on Invasion and on Related Activities of Tumor Cells; International Review of Cytology Vol. 90 pages 125-168 (1984); International Review of Cytology, Academic Press, New York, ISSN 0074-7596	
		C. LIU ET AL; Cure of human colon cancer xenografts by a C242-maytansinoid conjugate; Proceedings of the American Association for Cancer Research Annual Meeting Vol. 36 page 407 Abstract No. 2428: Eighty sixth annual meeting of the american assoc. for cancer research, Canada	
		P. KOPF-MAIER ET AL; Changes in the Cytoskeleton Pattern of Tumor Cells by Cisplatin in Vitro; Chemico-Biological Interactions Vol. 82 No. 3 pages 295-316 (1992); ISSN 0009-2797	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449B/PTO				<b>Complete If Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				<i>Application Number</i>	10/645,215
				<i>Filing Date</i>	August 21, 2003
				<i>First Named Inventor</i>	Guenther Adolf
				<i>Art Unit</i>	1642
				<i>Examiner Name</i>	Huff, Sheela Jitendra
Sheet	2	of	2	<i>Attorney Docket Number</i>	1/1383
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